

## REMARKS

Applicants have amended claims 4, 19, 20, 31, 34, 41 and 42. Claims 1-42 are currently pending.

### *Objections to the specification (MPEP 608.01(b))*

The Office has objected to the specification for improperly referring to CARBOPOL® without the proper capitalization. The specification has been appropriately amended. Applicants point to paragraph [0045] of the specification as filed ([0048] as published) for the requested generic terminology that identifies CARBOPOL® as high molecular weight, cross-linked, acrylic acid-based polymers.

Having obviated the objection by amendment, Applicants respectfully request the rejection to be withdrawn.

Applicants also note that paragraph [0045] of the application as filed (paragraph [0048 as published]) contained an improper hyperlink. Applicants have deleted the hyperlink to be in accord with MPEP 608.01.

### *Claim rejections under 35 USC 112, second paragraph (indefiniteness)*

Claims 4, 20, 31, 34, 41 and 42 have been rejected under 35 USC 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. The Office notes that the reference to CARBOPOL® renders the claims indefinite because it cannot be used to properly identify any particular material or product. Applicants have amended the rejected claims to delete CARBOPOL®, and replaced it with “a high molecular weight, cross-linked, acrylic acid-based polymer,” support for which is found in paragraph [0045] of the application as filed ([0048 as published]). Applicants believe that the amended claims now mute the rejection, and respectfully request the Office to withdraw the rejection.

### *Rejections under the judicially created doctrine of non-statutory double patenting (obviousness type).*

The Office has rejected claims 1-42 under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of US Patent 7,232,804, claims 1-20 of US Patent 7,115,574, both in view of US Patent 4,837,378 (“Borgman”). Applicants traverse the rejection. However, in the interests of furthering prosecution, terminal disclaimers under 37 CFR 1.132 are offered to obviate the rejections.

### REQUEST FOR RECONSIDERATION

Reconsideration and withdrawal of all claim rejections are respectfully requested. Applicants believe that the present application is in condition for allowance. Should the Examiner have any questions or would like to discuss any matters in connection with the present application, the Examiner is invited to contact the undersigned at (312). 627-2126.

**DyKEMA GOSSETT PLLC**  
10 South Wacker Drive, Suite 2300  
Chicago, Illinois 60606 USA  
(312). 876-1700  
(312). 627-2302 (facsimile).  
[www.dykema.com](http://www.dykema.com)  
[ipmail@dykema.com](mailto:ipmail@dykema.com)

Respectfully submitted,

s/Gregory M. Zinkl

December 21, 2007

Gregory M. Zinkl, Ph.D.  
Reg. No. 48,492  
Attorney for Applicant

CHICAGO\2408637.1  
ID\GZ